

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Brice Joseph Driggers,)	
)	
Petitioner)	
)	Civil Action No. 8:11-2643-RMG
vs.)	
)	
Alvin S. Glenn Detention Center,)	ORDER
et. al,)	
)	
Respondents.)	
)	
)	

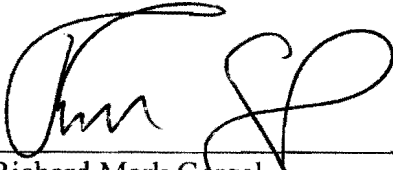
Petitioner filed this petition for habeas corpus pro se pursuant to 28 U.S.C. § 2241.

Petitioner is a pretrial detainee at the Alvin S. Glenn Detention Center awaiting trial on state criminal charges. This matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(c), D.S.C. for pretrial handling. On November 11, 2011, the Magistrate Judge recommended that the petition be summarily dismissed without prejudice and without requiring Respondent to file a return. (Dkt. No. 13). This recommendation was based upon well established legal precedent that the grant of pretrial habeas relief under § 2241 is narrowly limited where the petitioner may raise the same issues in the pending state criminal proceedings and federal court abstention should be exercised unless the petitioner has no adequate remedy at law and will suffer irreparable injury if denied equitable relief. E.g. *Younger v. Harris*, 401 U.S. 37 (1971); *Gilliam v. Foster*, 75 F.3d 881, 903 (4th Cir. 1996); *Moore v. DeYoung*, 515 F.2d 437, 449 (3rd Cir. 1975).

Petitioner was advised that he had fourteen days to file written objections to the Magistrate Judge's Report and Recommendation and a failure to do so would result in the waiver of his right to appeal from the judgment of the District Court. (Dkt. No. 13 at 7). Petitioner thereafter failed to file any written objection to the Magistrate Judge's Report and Recommendation.

The Court, having reviewed the Report and Recommendation in this matter, the record before the Court and applicable legal authorities, hereby adopts the Magistrate Judge's Report and Recommendation in this matter. Petitioner may raise all of his legal challenges asserted in his petition in the pending state court criminal proceedings, which renders the use of § 2241 inappropriate under these circumstances and mandates the exercise of *Younger* abstention. Therefore, finding that the petition plainly lacks legal and factual merit, the Court summarily dismisses this action without prejudice and without requiring Respondents to file a return.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
December 9, 2011